

### REMARKS

Applicant respectfully requests that the Examiner enter the foregoing claim amendments.

#### *Section 102 Rejections*

Claims 1, 2, 3, 5, 8, 15, and 16 were rejected under Section 102(b) based on the Page '149 reference. It is submitted that the amended claims are not anticipated by Page.

#### *Section 103 Rejections*

Claims 6, 7, 17, and 18 were rejected under Section 103(a) based on the combination of Page and Harris (US Patent No. 4,160,727). Although these claims have been cancelled, independent Claims 1 and 15 have been amended to recite the limitations of Claims 6-7 and Claims 17-18, respectively, and also now recite a flexible bag.

As made clear by the case law and MPEP §§ 2143 and 2143.01-03, an obviousness rejection is proper only if the Examiner can show that there is some objective suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

In the rejection, the Examiner cites column 5, lines 58-64 of the Page reference to support a conclusion that it suggests water treatment. However, that passage merely suggests degassing, and not reverse osmosis water treatment. The degassing is important to Page because of partial pressures, and in no way suggests water treatment of the kind accomplished by reverse osmosis. Simply stated, the degassing suggestion does not motivate one to consider reverse osmosis. Furthermore, there is nothing in Harris that would suggest its combination with a

dispenser that allows for carbonation. Thus, neither reference suggests combination with the other.

Moreover, as amended, the independent claims now recite a flexible bag for storage of treated water, which is not found in Page or Harris. Thus, the claims should not be rejected as obvious, and Applicant respectfully requests allowance of the independent claims 1 and 15, as well as the claims that depend from them.

These amendments also obviate the rejections based on Katou and LaRocco, which, in any case, are not relevant since Katou has nothing to do with beverages, and LaRocco is for use in a bottling plant, not a dispenser, as claimed (particularly with the recitation of a customer interface as now in Claim 1).

#### ***Other Claim Amendments***

Claims 5 and 16 have been amended to recite chilling the water in the flexible bag, which is nowhere taught or suggested in the cited art. Also, Claims 12 and 13 have been amended for consistency with the other amendments.

#### ***New Claims 21-24***

New Claim 21 is original Claim 4 written in independent form. Claim 4 was rejected under Section 103(a) based on the combination of Page and Katou (US Patent No. 6,158,721). However, the Katou reference is directed to controlling the resistivity of water for semiconductor processing applications, and thus is inappropriate to cite in a rejection, as it is from a non-analogous field. It is not related to the beverage dispensing arts. Moreover, it provides no suggestion or motivation to use it in combination with a beverage dispenser as claimed.

Also, the Page reference is specifically directed to flowing gas through fibers, with a strong emphasis on having the liquid on the shell side. It in no way suggests, and indeed teaches away from, the opposite, which is claimed in Claim 21 (flowing water through the fibers). It is inappropriate for the Examiner to build a rejection by picking and choosing various unrelated references which may show the claimed

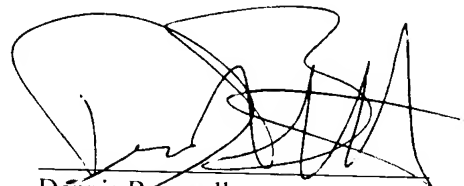
elements, but which provide no suggestion or motivation to combine them. Thus, it is respectfully submitted that Claim 21, and dependent Claims 22-24, are allowable.

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Applicant respectfully requests allowance of all outstanding claims. If the Examiner has any questions concerning this amendment, he is respectfully requested to call Dennis Braswell at the telephone number set forth below.

**Please direct all correspondence to:**  
**Dennis Braswell**  
**105 Soost Court**  
**Mobile, Alabama 36608**  
**Telephone (251) 414-2969.**

April 14, 2002  
Date

  
Dennis Braswell  
Attorney for Applicant  
Registration No. 35,831

## Marked-Up Amended Claims

1. (once amended) A beverage dispenser, comprising:
  - a water supply;
  - a reverse osmosis water treatment system coupled to said water supply,
  - said reverse osmosis water treatment system comprising a flexible bag
  - reservoir;
  - a CO<sub>2</sub> source;
  - a carbonator coupled to said ~~water supply~~reservoir and said CO<sub>2</sub> source,
  - said carbonator including at least one hydrophobic hollow fiber proximate to
  - which water is carbonated; ~~and~~
  - a beverage syrup source; and
  - a customer interface enabling the dispensing of such that beverage syrup
  - from said beverage syrup source and carbonated water generated by said
  - carbonator are dispensed to form finished drinks.
5. (once amended) The dispenser of Claim 1, and further comprising a ~~water~~  
~~treatment system, such that said water supply comprises treated water~~chiller,  
said flexible bag reservoir proximate said chiller.
12. (once amended) The dispenser of Claim 10, and further comprising a pre-  
carbonation reservoir coupled to said pre-carbonator, said pre-carbonation  
reservoir holding carbonated water.
13. (once amended) The dispenser of Claim 1, and further comprising a  
carbonation reservoir coupled to said carbonator, said carbonation reservoir  
holding carbonated water.

15. (once amended) A method of dispensing beverages, comprising:
- supplying water;
  - treating the water through reverse osmosis;
  - storing the treated water in a flexible bag;
  - supplying CO<sub>2</sub>;
  - carbonating the water from the flexible bag with the CO<sub>2</sub> proximate to
  - at least one hydrophobic hollow fiber; and
  - dispensing carbonated water and beverage syrup to form finished drinks.
16. (once amended) The method of Claim 15, and further comprising chilling the water in the flexible bag~~treating the water.~~

Please add the following new claims:

21. A beverage dispenser, comprising:
- a water supply;
  - a CO<sub>2</sub> source;
  - a carbonator coupled to said water supply and said CO<sub>2</sub> source, said carbonator including at least one hydrophobic hollow fiber through which water is supplied; and
  - a beverage syrup source, such that beverage syrup and carbonated water are dispensed to form finished drinks.
22. The dispenser of Claim 21, and further comprising a water treatment system, such that said water supply comprises treated water.
23. The dispenser of Claim 22, wherein said water treatment system comprises a reverse osmosis water treatment system.

24. The dispenser of Claim 21, and further comprising a plain water circuit, such that both carbonated and non-carbonated beverages may be dispensed.